

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARTIN BOOKER,

Plaintiff,

vs.

Case No. 15-cv-12345
Hon. Matthew F. Leitman

CHRISTOPHER T. BURNETT, *et al.*,

Defendants.

**ORDER GRANTING PLAINTIFF'S MOTION TO COMPEL
DEPOSITION OF DEFENDANTS (ECF #28)**

On June 30, 2015, Plaintiff Martin Booker ("Plaintiff") filed his Complaint against Defendants Christopher Burnett ("Burnett"), Bowling Green Freight, Inc. ("Bowling Green"), and FCC Equipment Financing, Inc. (collectively, "Defendants"), seeking damages for injuries he allegedly sustained arising out of a motor vehicle accident involving Defendants. (*See* Compl., ECF #1.)

On March 22, 2016, Plaintiff filed a motion to compel the deposition of Defendant Burnett and a representative of Defendant Bowling Green (the "Motion"). (ECF #28.) In the Motion, Plaintiff (1) showed that he timely requested that Defendant Burnett and a representative of Defendant Bowling Green appear for deposition; (2) attested that, "[t]o date, Defendants have not been produced for deposition, nor has defense counsel rescheduled Defendants' depositions for a specific date"; and (3) requested that the Court order Defendants to pay Plaintiff's reasonable

expenses incurred in obtaining this Order, including attorney fees. (*See id.* at 1-2, Pg. ID 138.) Defendants failed to respond to Plaintiff's Motion.

The Court has reviewed the Motion and has determined that Plaintiff is entitled to the relief he seeks. Accordingly, **IT IS HEREBY ORDERED** that the Motion is **GRANTED**.¹ Defendant Burnett and a representative from Defendant Bowling Green shall make themselves available for depositions on dates and times that are convenient for Plaintiff not later than May 4, 2016.

IT IS FURTHER ORDERED that Plaintiff's request for fees and costs is **GRANTED**. By no later than April 25, 2016, Plaintiff shall file with the Court proper documentation supporting the amount claimed for the fees and costs incurred in connection with obtaining this Order. By not later than May 2, 2016, Defendants may file written objections to the amount of fees and costs Plaintiff seeks. The Court will then enter an order confirming the final amount of fees and costs awarded to Plaintiff.

IT IS SO ORDERED.

/s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: April 13, 2016

¹ The Court recognizes that the discovery cutoff date for this action was April 7, 2016, but grants the Motion nonetheless.

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on April 13, 2016, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

(313) 234-5113